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## FACSIMILE TRANSMISSION

Total # of Pages 5 (including this page)

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Commissioner for Patents U.S. Patent and Trademark Office		703.872.9306

From : Lauren Nguyen

Date : August 17, 2004

Client/Matter No : 039386-0217 (PF-0261-2DIV)

USSN : 09/768,840

Filing Date : 1/23/2001

Examiner : S. Rawlings

User ID No : 4168

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Transmitted herewith for filing in the above-referenced application are the following.

- 1) Notice of Appeal (2 pages) in Duplicate.

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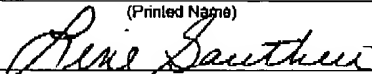
AUG 17 2004

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Atty. Dkt. No. 039386-0217

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jennifer L. HILLMAN et al.  
Title: CALCIUM-BINDING PROTEIN  
Appl. No.: 09/768,840  
Filing Date: 1/23/2001  
Examiner: S. Rawlings  
Art Unit: 1642

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Line Gauthier (Printed Name)  (Signature)  August 17, 2004 (Date of Deposit)
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**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated March 17, 2004, finally rejecting Claims 2-12 and 21-26.

- ☐ Applicant claims small entity status.
- ☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- ☒ Notice of Appeal Fee
- ☒ To be paid as detailed below
- ☐ Not required (Fee paid in prior appeal)

Atty. Dkt. No. 039386-0217

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$330.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$420.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$750.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$750.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$750.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$750.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 17, 2004By 

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6716  
Facsimile: (858) 792-6773

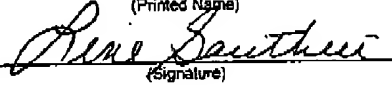
Lien-Chi A. Nguyen  
Patent Agent for Applicant  
Registration No. 54,337

DUPLICATE

Atty. Dkt. No. 039386-0217

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**DUPLICATE** Atty. Dkt. No. 039386-0217

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